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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY TAR DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Esequiel RICO-Covarrubias Defendant.	Magistrate Case No.: '08 MJ 8264 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about March 24, 2008, within the Southern District of California, defendant Esequiel RICO-Covarrubias did knowingly and intentionally import approximately 2.08 kilograms (4.58 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Chad Worgen, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 25th DAY OF MARCH 2008.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

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UNITED STATES OF AMERICA
v.
Esequiel RICO-Covarrubias

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to United States Immigration and Customs Enforcement Special Agent Chad N. Worgen.

On March 24, 2008, at approximately 2042 hours, Esequiel RICO-Covarrubias entered the United States from the Republic of Mexico by foot at the Calexico, California West Port of Entry pedestrian crossing.

Customs and Border Protection Officer (CBPO) M. Munguia was assigned pedestrian primary inspectional duties when RICO approached his lane for inspection. CBPO Munguia observed RICO'S hand shaking as he presented his California identification card. During questioning, CBPO Munguia observed RICO appeared to be in a hurry. CBPO Munguia released RICO after further questioning.

At approximately 2045 hours, CBPO M. Cardenas was assigned pedestrian secondary inspectional duties when he observed RICO'S release from the primary lane. CBPO Cardenas observed RICO walking in a stiff manner, looking straight ahead, and hurrying to exit the pedestrian building. CBPO Cardenas observed RICO beginning to walk faster and ignore him.

CBPO Cardenas grabbed RICO and conducted both an immediate pat down and a full pat down search. CBPO Cardenas discovered numerous packages around RICO'S waistline and thighs. CBPO Cardenas probed one of the packages and it produced a green leafy substance that tested positive for marijuana. A total of 7 packages were discovered, with a total weight of 2.08 kilograms (4.58 pounds).

RICO was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. RICO was advised of his Miranda rights and agreed to answer questions. RICO admitted to smuggling marijuana into the United States. RICO admitted he knew it is illegal to bring marijuana into the United States. RICO stated he was smuggling the marijuana as a favor. RICO was processed and booked into the Imperial County Jail.

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